

MAINE STATE LEGISLATURE

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Date: 5/20/19

Minority

(Filing No. H-312)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 174, L.D. 211, Bill, "An Act To Open Maine's Primaries and Permit Unenrolled Voters To Cast Ballots in Primary Elections"

Amend the bill by inserting after section 1 the following:

'Sec. 2. 21-A MRSA §145, sub-§§3 and 4 are enacted to read:

3. Restrictions after withdrawal. A voter may not vote at a caucus, convention or primary election for 15 days after filing an application to withdraw enrollment unless the voter withdraws from enrollment at the same time that the voter changes the voter's voting residence as provided in subsection 4. A voter prohibited from voting at a caucus, convention or primary election for 15 days under this subsection may sign a primary nomination petition during the 15-day period after filing an application to change enrollment, and the voter's signature must be counted as valid, as long as the 15-day period has elapsed by the time the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is qualified to sign a petition for that office.

4. Change of residence. When a voter who is enrolled in a party changes residence from one municipality to another and establishes a new voting residence, that voter may choose not to enroll in a party when the voter submits a new voter registration application.'

Amend the bill in section 3 in §341 in the first paragraph in the 2nd line (page 1, line 11 in L.D.) by striking out the following: "144," and inserting the following: '145, subsection 3.'

Amend the bill in section 3 in §341 in the first paragraph in the last 3 lines (page 1, lines 12 to 14 in L.D.) by striking out the following: "The Secretary of State shall establish procedures to ensure that each voter voting in a party's primary election is offered a ballot for that primary election."

Amend the bill by inserting after section 3 the following:

'Sec. 4. 21-A MRSA §671, sub-§2, as repealed and replaced by PL 2015, c. 447, §18, is amended to read:

COMMITTEE AMENDMENT

1 **2. Name checked and ballot issued.** The election clerk in charge of the incoming
2 voting list shall place a check mark or a horizontal line, in red ink, on the list beside the
3 voter's name, and if there is more than one ~~party or~~ district ballot style used at that voting
4 place, the election clerk ~~must~~ shall state in a loud, clear voice the ~~party or~~ district ballot
5 style that the voter must be given. The election clerk in charge of the ballots shall give
6 the voter one ballot of each kind to which the voter is entitled, and if there is more than
7 one ~~party or~~ district ballot style used at that voting place, the election clerk ~~must~~ shall
8 repeat the ~~party or~~ district ballot style being given to the voter. The voter must be given a
9 ballot when the voter's name is checked on the incoming voting list and may not be
10 referred to another location to obtain the ballot. A voter who will vote using the
11 accessible voting system may not be given an official ballot, but may be given a sample
12 ballot to use as a voting aid.

13 **Sec. 5. 21-A MRSA §671, sub-§2-A** is enacted to read:

14 **2-A. Primary election; party ballot announcement.** If a primary election is being
15 conducted, the election clerks shall follow the procedures outlined in this subsection.

16 A. If the voter is enrolled in a party and not disqualified from voting in that party's
17 primary election under section 144, subsection 3, the election clerk in charge of the
18 incoming voting list shall state in a loud, clear voice the party ballot that the voter
19 must be given. The election clerk in charge of ballots shall give the voter the party
20 ballot and shall repeat the party ballot being given to the voter.

21 B. If the voter is unenrolled but eligible to vote in a party primary under section 341,
22 the election clerk in charge of the incoming voting list must ask the voter to identify
23 which party's primary election ballot the voter wishes to receive. Unless the voter
24 chooses not to vote in any party's primary election, the election clerk in charge of the
25 incoming voting list shall state in a loud, clear voice the party ballot that the voter has
26 requested and shall make a notation on the incoming voting list of the party ballot
27 requested by the voter. The election clerk in charge of ballots shall give the voter the
28 party ballot and shall repeat the party ballot being given to the voter.

29 **Sec. 6. 21-A MRSA §721,** as amended by PL 2015, c. 447, §25, is further
30 amended to read:

31 **§721. Reports of registration and enrollment**

32 Within 15 business days after any statewide election, the registrar shall update all
33 information in the central voter registration system for all voters in the municipality to
34 reflect any voter registration activity after the incoming voting list was printed for that
35 election and up until the close of the polls on election day. The registrar shall also enter
36 any designations of challenged ballots in the applicable voter records in the central voter
37 registration system. The registrar shall notify the Secretary of State as soon as these tasks
38 are complete.

39 After the registrar has completed the update of the central voter registration system,
40 as required by this section, and no later than 45 business days after the election, unless a
41 recount has been requested pursuant to section 737-A, the clerk shall update the central
42 voter registration system by entering voter participation history for that election and, if
43 the election was a primary election, by identifying which party's ballot, if any, was issued

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to each participating unenrolled voter pursuant to section 671, subsection 2-A. The clerk shall notify the Secretary of State as soon as this task is completed.

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In a municipality in which a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election, and, if the election was a primary election, by identifying which party's ballot, if any, was issued to each participating unenrolled voter pursuant to section 671, subsection 2-A, within 20 business days after receiving the incoming voting list that has been returned by the Secretary of State after the recount. The clerk shall notify the Secretary of State as soon as this task is completed.

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Sec. 7. Effective date. This Act takes effect July 1, 2021.'

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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

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This amendment, which is the minority report of the committee, retains the provisions of the bill that allow an unenrolled voter to vote in a single party's primary election without having to enroll in a political party.

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Under current law, a voter who changes enrollment from one political party to another political party may not vote in any caucus, convention or primary election for 15 days after changing enrollment, unless the voter changes the voter's voting residence at the same time that the voter changes political party enrollment. This amendment similarly prohibits a voter who withdraws from a political party from voting in any caucus, convention or primary election for 15 days after withdrawing, unless the voter changes the voter's voting residence at the same time that the voter withdraws from a political party.

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This amendment also requires an election clerk to record on the incoming voting list which party's primary ballot, if any, is requested by and issued to an unenrolled voter during a primary election. After the primary election, this information must be entered in the central voter registration system.

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This amendment further provides that the effective date of this legislation is July 1, 2021.

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FISCAL NOTE REQUIRED

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(See attached)



129th MAINE LEGISLATURE

LD 211

LR 423(02)

An Act To Open Maine's Primaries and Permit Unenrolled Voters To Cast Ballots in Primary Elections

Fiscal Note for Bill as Amended by Committee Amendment *A (H-312)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	\$0	\$0	\$137,000	\$0
Appropriations/Allocations				
General Fund	\$0	\$0	\$137,000	\$0

Fiscal Detail and Notes

The Department of Secretary of State will require a General Fund appropriation of \$137,000 in fiscal year 2021-22 for ballot printing and postage costs to allow unenrolled voters to cast ballots in primary elections.